

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
NORTHERN DIVISION

U.S. Securities & Exchange Commission,

Plaintiff,

CASE No. S 00 CV 2918

Judge William D. Quarles

vs.

William F. Mahon and

Dean J. Jupiter,

Defendants.

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**DEFENDANT DEAN J. JUPITER'S MOTION BY CONSENT FOR ENLARGEMENT  
OF TIME TO RESPOND TO THE PLAINTIFF'S MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT AND TO SHORTEN TIME FOR FILING OF  
ANSWERS BY THE PROPOSED RELIEF DEFENDANTS**

The Defendant, Dean J. Jupiter ("Jupiter"), by and through his undersigned counsel, moves this Court to enter an Order for Enlargement of Time as set forth herein :

1. On July 1, 2004, the Plaintiff Securities & Exchange Commission ("SEC") filed a Motion for Leave to File First Amended Complaint and to Shorten Time For Filing of Answers by the Proposed Relief Defendants.
2. Additional time is necessary for the Defendant to prepare a Response to that Motion due to the complexity of the issues and the shortage of support staff during the summer months.
3. By granting this enlargement, the Court will give the parties an opportunity to try and reconcile their differences with respect to this Motion.
4. The SEC has stated that it has no objection to an enlargement until Monday, July 26 2004, by mail, within which to respond to the SEC motion.
5. Defendant Jupiter therefore requests a two week extension until Monday, July 26 (by

mail) to respond, which should provide the Defendant sufficient time to respond to the SEC's Motion.

**Memorandum of Law in Support**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, the Court may enlarge the time for a Defendant to respond to a Plaintiff's Complaint beyond the period specified by the Federal Rules. The relief sought by this Motion will not prejudice either party to this action, since the SEC has consented.

**WHEREFORE**, the Defendant respectfully requests an enlargement of time to respond to the SEC's motion to and including (by mail) July 26, 2004.

**Certificate Pursuant to Local Rule 105.9 of the District of Maryland**

Pursuant to Local Rule 105.9, the undersigned certifies that he has consulted with opposing counsel in a good faith attempt to reach a resolution of this motion, and Plaintiff's counsel has indicated his consent to this Motion and to the entry of the [Proposed] Order for Enlargement of Time attached hereto as Exhibit "A".

By:           /s/          Allan M. Lerner            
Allan M. Lerner(FBN

196681)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been filed, pursuant to Fed. R. Civ. P. 5(a), electronically this 12<sup>th</sup> day of July, 2004. Notice of this filing will be sent electronically to Carolann Gemski, counsel for Plaintiff Securities and Exchange Commission by operation of the Court's electronic filing system. Parties and interested persons may access this filing through the Court's system.

Allan M. Lerner, P.A.  
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By:           /s/          Allan M. Lerner            
Allan M. Lerner  
FBN 196681

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\_\_\_\_\_ /

**AGREED ORDER FOR ENLARGEMENT OF TIME**

**THIS CAUSE** having come on to be heard before the Court on the Defendant's Motion for Enlargement of Time for relief from the obligation to respond to the Plaintiff's Motion for Leave to File First Amended Complaint and to Shorten Time For Filing of Answers by the Proposed Relief Defendants, and the Court having reviewed the Motion and Memorandum in Support, and being otherwise fully advised in the premises, accordingly, after due consideration thereof,

**IT IS HEREBY ORDERED THAT** the time for Defendant's response to the Plaintiff's Motion for Leave to File First Amended Complaint and to Shorten Time For Filing of Answers by the Proposed Relief Defendants is extended to and including July 26, 2004, by mail.

**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Judge, United States District Court  
For the District of Maryland

*Copies furnished:*

Allan M. Lerner, P.A.

Carolann Gemski, Esq.

Robert Biddle, Esq.

M. Daniel Hughes, P.A.

David P. King, Esq.